



Agenda Date: 9/18/2019

Agenda Placement: 8A

## Napa Sanitation District Board Agenda Letter

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**TO:** Honorable Board of Directors

**FROM:** Jeff Tucker - Director of Administrative Services/CFO  
NS-Administration

**REPORT BY:** Jeff Tucker, Director of Administrative Services/CFO - 707-258-6000

**SUBJECT:** Second Reading of Ordinance to Change Section 1.02 and 3.01 of District Code Regarding Building Laterals, Street Laterals and Connections

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### **RECOMMENDATION**

Adopt ordinance amending District Code 1.02 Definitions and District Code Section 3.01 Building Laterals, Street Laterals and Connections to clarify responsibilities and liabilities associated with building and street laterals, and clarify the District's Right of Entry, by taking the following actions:

1. Conduct second reading of ordinance, by title only, and waive full reading.
2. Hold public hearing pursuant to rules for adopting ordinances.
3. Close public hearing.
4. Adopt Ordinance No. 110 to amend District Code Section 1.02 Definitions and Section 3.01 Building Laterals, Street Laterals and Connections

### **EXECUTIVE SUMMARY**

In reviewing District Code, it was noted that section of the Code are unclear or insufficient to cover certain potential incidents. Using the California Sanitation Risk Management Association's model ordinance language and in consultation with District Counsel, staff is recommending the following changes to the District Code regarding building laterals, street laterals, connections, and the District's Right of Entry:

- | In Section 3.01.060, it was not clear that lifting sewage through artificial means (such as a private pump station) was something that the District wants to discourage and were only to be approved under a showing of special circumstances. Language has been added to clarify.
- | In Section 3.01.080, it wasn't clear that it is a property owner's responsibility to maintain the private lateral in a way that does not cause that private lateral to interfere with the ability of NapaSan to maintain or clean the public sewer system. Language has been added to clarify.

- | While it has been NapaSan's practice and policy for years that NapaSan is responsible for the street lateral and property owners are responsible for the building lateral, the District Code has never explicitly stated this. Section 3.01.100 is proposed to be added to clarify this responsibility. There is also proposed language to the definitions of building lateral and street lateral to clarify this as well.
- | The current language for Right of Entry is found in Title 4 of the District Code and is written with commercial and industrial customers in mind. State law and case law provides NapaSan with some Rights of Entry. It has been recommended by CSRMA and by legal counsel that NapaSan improve on this language within Title 3, to specifically address the issue of entry for private laterals and accessing District' cleanouts on private property. Section 3.01.110 is being proposed as new language to clarify NapaSan's right of entry.

These changes are consistent with current practice and policy. Staff recommends adoption of the attached Ordinance to modify District Code Section 1.02 Definitions and Code Section 3.01 Building Laterals, Street Laterals and Connections, as described above.

### **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

None.

### **SUPPORTING DOCUMENTS**

- A . Presentation from September 4, 2019 Board Meeting
- B . Ordinance - Redline Version
- C . Ordinance - Clean Version

Napa Sanitation District: Approve

Reviewed By: Jeff Tucker